

COMMITTEE AMENDMENT FORM

DATE: 07/1/03

COMMITTEE CITY UTILITIES PAGE NUM. (S) 2

ORDINANCE I. D. #03-O-0909 SECTION (S) 7 & 8

RESOLUTION I. D. #03-R- PARA.

AMENDS THE LEGISLATION BY INSERTING THE FOLLOWING
LANGUAGE AFTER THE WORDS QUIT CLAIM DEED “ OR LIMITED
WARRANTY DEED”

AMENDMENT DONE BY COUNCIL STAFF.

AN ORDINANCE

03-O-0909

BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

AS AMENDED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF LA FRANCE STREET, SE LOCATED WEST OF MARION PLACE CONSISTING OF 20,264 SQUARE FEET, MORE OR LESS, AND BEING MORE SPECIALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 209 OF THE 15th DISTRICT OF DEKALB COUNTY, GEORGIA;; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the Sembler Company the abutting property owner, to abandon a portion of a certain street for the purpose of using the property for their own private use; and

WHEREAS, the Sembler Company is proposing to use the abandoned street as part of the redevelopment of the Atlanta Gas property; and

WHEREAS, the surrounding communities are in support of the proposed development project for the area and are in support of the proposed abandonment; and

WHEREAS, the abandoned rights-of-way shall become part of the abutting owner's private property and their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the request to abandon said streets will be reviewed by the proper City agencies and by all public utilities prior to passage of the legislation.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That a portion of La France Street, S.E. located west of Marion place consisting of 20,264 square feet, more or less, and being more specifically described in the attached Exhibit "A", lying and being in Land Lot 209 of the 15th District of Dekalb County, Georgia, as shown on the attached Exhibit "A", be and the same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: The City's intent is hereby given that said street shall be abandoned.

Section 3: That the Sembler Company has agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

Section 4: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

Section 5: That the Chief Procurement Officer is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6: That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 1A01-524001-G55001.

Section 7: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 8: That the Mayor is hereby authorized to execute said Quit Claim Deed or Limited Warranty Deed and other necessary documents, as determined by the City Attorney, for the abandoned street right-of-way to the Sembler Company.

Section 9: Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

Section 10: That all code sections, ordinances, and parts of code sections and ordinances in conflict with this ordinance are waived.